

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VICTORIA GREEN,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.

Defendants.

1:23-cv-00973-JLT-EPG (PC)

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS, WHICH  
RECOMMENDED THAT THIS ACTION BE  
DISMISSED, WITHOUT PREJUDICE, FOR  
FAILURE TO COMPLY WITH COURT  
ORDERS AND TO PROSECUTE THIS CASE

(ECF No. 11)

ORDER GRANTING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS*

(ECF No. 12).

Plaintiff Victoria Green proceeds with counsel in this civil rights lawsuit filed pursuant to 42 U.S.C. § 1983. Because Plaintiff failed to comply with three orders to file an application to proceed *in forma pauperis* (IFP) or pay the \$402 filing fee, the Court recommended on September 11, 2023, that this case be dismissed without prejudice for failure to comply with the Court's orders and to prosecute this case. (ECF Nos. 5, 8, 10, 11).

However, on September 14, 2023, Plaintiff filed an application to proceed *in forma pauperis*, dated September 1, 2023, with Plaintiff representing that she has no funds. (ECF No. 12). This representation is incorrect. Notably, Plaintiff's trust account statement, which the Court obtained after Plaintiff failed to provide it, shows that Plaintiff had an inmate account balance of

1 \$182.42 as of August 26, 2023, which later increased to \$212.42 as of September 12, 2023. (ECF  
2 No. 14).

3 While the Court is troubled by Plaintiff's failure to comply with multiple court orders and  
4 the incorrect information provided on the application to proceed *in forma pauperis*, it will grant  
5 the application given that it appears that Plaintiff is currently unable to pay the full filing fee.

6 Accordingly, IT IS ORDERED as follows:

- 7 1. The Court's September 11, 2023, findings and recommendations are vacated. (ECF No.  
8 11).  
9 2. Plaintiff's application to proceed *in forma pauperis* is granted. (ECF No. 12).  
10 3. Plaintiff is advised that future noncompliance with court orders or misrepresentations to  
11 the Court may result in sanctions up to and including dismissal of this case.

12 IT IS SO ORDERED.

13 Dated: September 18, 2023

/s/ Eric P. Shroy

14 UNITED STATES MAGISTRATE JUDGE  
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